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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SKYWEST PILOTS ALPA ORGANIZING  
COMMITTEE, *et al.*,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

DECLARATION OF  
STEVE DOW IN SUPPORT OF  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

107 2688

### DECLARATION OF STEVE DOW

1. I have been employed as an airline pilot at SkyWest Airlines since January 6, 2003. I have flown in various seats and airplanes, and currently fly as a captain on the Canadair Regional Jet.

2. SkyWest presently bases its pilots in 17 locations including nine (9) in California and the rest throughout the Western and Midwestern United States. I have been based in Colorado Springs, Colorado since March of 2005.

3. In the course of my flying duties I pass through several different airports in a typical month, including San Francisco International Airport. SkyWest maintains crew lounges inside the secure area in the airports in which the company has pilot domiciles. Pilots may eat in the crew lounges, and crew lounges are available to pilots for non-work activities between flights. In several bases (including my home base of Colorado Springs) the company maintains computers for our use. We are permitted to use those computers for non-work purposes. The crew lounges contain chairs and tables that are routinely used for non-work activities.

4. SkyWest also maintains bulletin boards in each airport that is also a crew base. There is in each location a bulletin board that is for operational purposes only and a bulletin board for general, non-operational purposes. The general

bulletin board typically is covered with a variety of notices for services and sales, including ads for crash pads, massages, real estate agents, mortgage brokers, motorcycles for sale, and river rafting trips. In addition, SkyWest maintains a bulletin board at most bases that is dedicated exclusively for the use of the SkyWest Airline Pilots Association, known as SAPA.

5. SAPA is a group of pilots created by the company to provide a method for talking to the pilots as a whole. SAPA is considered by the company to cover all pilots who are not in management. There are no dues or membership requirements to be a member of SAPA, other than employment as a non-management pilot at SkyWest. Its activities are wholly financed by the company, which pays SAPA officers to serve full time as SAPA representatives. The company claims to recognize SAPA as the "true and only" representative of the pilots, but it is not a true labor union, has no financial or functional independence from the company, and has never been recognized or certified as a collective bargaining representative. SAPA's Bylaws are posted on a website created for SAPA communications. I have attached as Exhibit 1 to this Declaration a true and correct copy of a document printed from that website that is titled "SAPA Bylaws".

6. SAPA is routinely invited to speak to training classes of newly-hired pilots. When I was hired, a SAPA representative came to my class to describe

SAPA and gave out SAPA pins. We are permitted to wear SAPA pins on our uniforms by company policy.

7. In October of 2005, I helped create the SkyWest Pilots ALPA Organizing Committee with the mission of organizing our pilots to elect ALPA as the exclusive bargaining representative of our pilot group under the Railway Labor Act. We have attempted to distribute information about ALPA in a number of ways, but frequently company representatives have prevented us from doing so. This has made it very difficult to communicate with other pilots about the Organizing Committee and the benefits of representation by ALPA.

8. For example, I have posted fliers advertising ALPA meetings on the general bulletin boards, but they have been removed within 24 hours each time I have done so. I have never known any other postings to be removed from these bulletin boards.

9. I have also tried to leave material in pilot mailboxes, which are located inside the crew lounges. The mailboxes are regularly used by management and SAPA to distribute information to pilots by leaving fliers or notices for pick-up whenever the pilots come through their base during the month. However, when I have left ALPA material in pilot mailboxes it has been removed from all mailboxes within 24 hours.

10. The company's removal of the materials placed on bulletin boards and in mailboxes has had a significant impact on our ability to communicate with the pilot group. The nature of pilots' jobs is such that they rarely congregate in a single location, except during periodic intensive training. Face-to-face contact therefore normally occurs only if our individual schedules overlap and we are in the same airport at the same time. Without the ability to post and leave materials we must rely on individual contact, and it is difficult to reach all of the pilots scattered through 17 bases through this individualized approach, which depends entirely on scheduling luck.

11. SkyWest has posted a statement on its web site and elsewhere for as long as I can recall that expresses its belief that there should be no union on the SkyWest property. This "Union Free Statement" is posted, among other places, on the door of Susan Brown's office in the crew lounge in Colorado Springs. Ms. Brown is the Administrative Assistant for SkyWest in Colorado Springs.

12. Throughout my time at SkyWest many pilots have worn lanyards to hold their identification cards. SkyWest issues dark blue lanyards with its logo to pilots, and some pilots use these. Other pilots wear logos that reflect the logo of their favorite sports team, an aircraft manufacturer, a college or university, a branch of the military, or a favored hobby such as sailing. The Organizing Committee distributed dark blue lanyards with the ALPA logo to pilots as part

of its effort to encourage pilots to talk about and support ALPA as their collective bargaining representative. As a result of my position on the Organizing Committee I have received several reports of management representatives asking or directing pilots to remove ALPA logo lanyards as violative of company policy. Management continues to allow pilots to wear lanyards with other non-SkyWest logos. When I wore my ALPA lanyard Ms. Brown advised me to remove it because I would "get in trouble" if I wore it. I no longer wear an ALPA logo lanyard because I do not want to "get in trouble" with SkyWest management. As a result it is more difficult to communicate to other pilots my support for the ALPA organizing campaign.

13. As discussed above, SkyWest has erected a number of roadblocks that have interfered with the Organizing Committee's ability to communicate our message about the organizing campaign. The Coordinating Team of the Organizing Committee met on May 17, 2007 and decided that we need to stage a carrier-wide action as soon as possible at SkyWest to build excitement for the campaign and show that we have strong support – despite SkyWest's opposition to our campaign. This action is part of a plan to reenergize the campaign before the usual summer problems of Organizing Committee member availability begin. We believe it is essential to have this action as soon as possible, but certainly within the next few weeks, to maintain the momentum of our

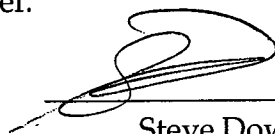
organizing campaign. We are concerned about the negative impact on our campaign if the Organizing Campaign does not keep up visibility and is unable to engage in some kind of solidarity building event.

14. As part of the carrier-wide action that the Coordinating Team of the Organizing Committee wants to conduct, pilots would be asked to show their support for the organizing campaign by wearing their ALPA lanyards. But because SkyWest has prohibited ALPA supporters from wearing ALPA lanyards, the members of the Organizing Committee cannot stage this action. As a result, the Organizing Committee is being severely chilled in its ability to conduct a normal organizing campaign and build support among SkyWest pilots.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

5-18-2007

Date

A handwritten signature in black ink, appearing to read "Steve Dow", written over a horizontal line.

Steve Dow